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BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Federal Communications Commission

In the Matter of)

)
Amendment of Section 2.106 of)
the Commission's Rules to)
Allocate the 1610-1626.5 MHz)
and the 2483.5-2500 MHz Bands)
for Use by the Mobile)
Satellite Service, Including)
Non-Geostationary Satellites)

ET Docket No. 92-28

RM-7771 PP-29 PP-32
RM-7773 PP-30 PP-33
RM-7805 PP-31
RM-7806

REPLY COMMENTS OF CELSAT, INC.

CELSAT, Inc. hereby offers the following Reply to the Comments filed by other parties on December 4, 1992 in the above-captioned proceeding.

Briefly, given the complexity of the technical and policy issues presented by the proposals of the six applicants and one "candidate applicant" for access to the former RDSS band, and on the basis of the Comments received to date, the Commission faces three alternatives:

-- Adopt technical and service rules which prescribe spectrum sharing of the entire 33 MHz in the RDSS band using CDMA modulation, and open the band to eligible competing applicants among the Gang-of-Four and emerging candidate applicants such as CELSAT.¹

¹ TRW, for example, correctly states that "[i]ndeed, the four spread spectrum applicants agree that their systems will not only be capable of sharing the 1610-1626.5 MHz and 2483.5-2500 MHz bands with each other, but also will be able to share with additional similar systems -- whether such systems are to be licensed by the Commission in the future or by other governments." TRW Comments, p. 4.

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-- Adopt technical and service rules which permit exclusive use of at least 10.5 MHz in the L-band (1616-1626.5 MHz) by only one applicant (IRIDIUM) to the exclusion of all other present and future applicant/candidates seeking use of the full RDSS band.

-- Adopt technical and service rules which permit exclusive but separate use of the L- and S-bands by two potentially competing systems, IRIDIUM in the L-band, and another candidate applicant in the S-band. As to the latter, CELSAT is the only candidate which has expressed an interest, willingness and the technical ability and system capacity to operate effectively in the S-band.²

Upon review of the initial comments and several well done technical appendices (and some not so well done) CELSAT has identified only a few misstatements or incorrect assertions by other parties worth taking issue with. CELSAT submits, however, that, in view of the intervening commencement of the negotiated rule making process in CC Docket 92-166, its criticisms and further reply comments will be greatly enhanced and their accuracy better substantiated after the upcoming opportunity to present them in open forum in a dialog among technical peers. Otherwise, to attempt to refute these highly technical points in the context of a Reply filing would be much less effective and would only burden the Commission staff.

Accordingly, CELSAT respectfully urges the Commission to re-open this proceeding for additional supplemental comments

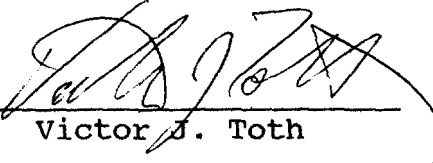
² Moreover, inasmuch as CELSAT is proposing a domestic-only system, it would be within the Commission's power to authorize such limited use of the S-band by a geostationary satellite irrespective of the WARC-92 regulations.

and replies after the conclusion of the negotiated rule making process in Docket 92-166.

Finally, with respect to those parties which argued that the Commission took a correct action in dismissing CELSAT's petition for rule making with respect to its potential access to the former RDSS band CELSAT submits that such comments should be disregarded as untimely.³ CELSAT timely filed a petition for reconsideration of this aspect of the Commission's September Notice of Proposed Rule Making and tentative Decision in this proceeding, and not a single party opposed it. Moreover, in their current comments the parties have simply argued as the only basis purportedly supportive of the Commission's dismissal the point that CELSAT's *hybrid* proposal conflicts with the outcome of WARC-92 in that the new WARC regulations do not provide for any use of the subject spectrum on a terrestrial basis. This argument totally disregards the inherent characteristic flexibility of the CELSAT HPCN system, as fully clarified in CELSAT's petition for reconsideration -- namely, that CELSAT does not require contiguous spectrum for both its terrestrial and space communications components. In the face of the Commission's commitment to shared use of the spectrum, CELSAT has made it clear that, as an able sharer, it will use the RDSS spectrum for MSS use exclusively, and look elsewhere for the terrestrial component.

³ See, e.g., Comments of Loral/Qualcomm, p. 16.

Respectfully submitted,

By: 
Victor J. Toth

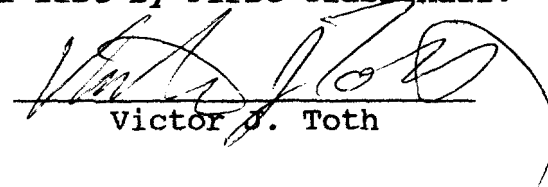
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January 6, 1993

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Reply Comments was served this date on counsel for all other parties at the addresses shown on the attached list by First Class Mail.


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